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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

17 PRAGMATUS TELECOM, LLC,

CASE NO. 3:12-CV-06196-MMC

18 Plaintiff,

**JOINT STIPULATION TO STAY  
DEADLINES IN SCHEDULING ORDERS  
WHILE PARTIES MEMORIALIZE  
SETTLEMENT AGREEMENT ; ORDER**

19 v.

20 BUILD.COM,  
21 Defendant.

Hon. Maxine M. Chesney

22

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Pragmatus Telecom, LLC

23 (“Pragmatus”) and Defendant Build.com (“Build”), hereby stipulate through their respective  
24 counsel of record as follows:

25 WHEREAS on March 29, 2013, the parties submitted a Joint Case Management  
26 Statement (Dkt. No. 32);

27 WHEREAS, on April 8, 2013 and April 9, 2013, the Court issued an Amended Civil

1 Minutes (Dkt. No. 35) and a Pretrial Preparation Order (Dkt. No. 36), respectively, setting forth  
2 the schedule for this case;

3 WHEREAS, on May 17, 2013 the Court granted the parties' prior joint stipulation to  
4 modify deadlines while the parties negotiated settlement;

5 WHEREAS, on May 30, 2013, the Court granted the parties' prior joint stipulation to  
6 modify deadlines while the parties continued to negotiate settlement;

7 **WHEREAS, the parties are currently memorializing a settlement agreement and  
8 believe a stay of deadlines in this case will facilitate the settlement and aid the parties in  
9 their efforts to resolve this litigation;**

10 WHEREAS, the next deadlines in this case are Exchange of Preliminary Proposed Terms  
11 for Claim Construction due August 5, 2013; Joint Claim Construction Prehearing Statement;  
12 Plaintiff's opening claim construction brief due on October 14, 2013; Defendants' responsive  
13 claim construction brief due on October 28, 2013, the Tutorial and the Claim Construction  
14 Hearing set for November 18, 2013 (Dkt. No. 36);

15 WHEREAS, the parties are also considering a stipulation to transfer this case to the  
16 District of Delaware, where other related cases involving the Patents-In-Suit are pending, should  
17 the parties not reach resolution of this lawsuit;

18 **WHEREAS, if the settlement agreement is not memorialized in the month of August  
19 2013, the parties will submit a proposed schedule to the Court no later than August 31, 2013  
20 to address any deadlines affected by this stay;**

21 NOW THEREFORE the parties through their undersigned counsel hereby stipulate to, and  
22 respectfully request the Court to order, that deadlines, set forth in the parties Joint Case  
23 Management Statement (Dkt. No. 32) and the Court's Pretrial Preparation Order (Dkt. No. 36) be  
24 stayed until the parties memorialize their settlement agreement

25 **IT IS SO STIPULATED.**

26  
27 Dated: August 2, 2013  
28

1 FEINBERG DAY ALBERTI & THOMPSON LLP DENTONS US LLP  
2

3 By: /s/ Marc Belloli

4 M. Elizabeth Day  
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6 David Alberti  
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9 Marc Belloli

By: /s/ Rachel Repka

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Carlos Perez-Albuerne  
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Anita M.C. Spieth

Attorneys for Defendant  
BUILD.COM

7 Attorneys for Plaintiff  
8 PRAGMATUS TELECOM, LLC

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**CERTIFICATION PURSUANT TO GENERAL RULE NO. 45, SECTION X, RE E-**  
**FILING ON BEHALF OF MULTIPLE SIGNATORIES**

In accord with the Northern District of California's General Order No. 45, Section X.(B), I attest that concurrence in the filing of this document has been obtained from each of other signatories who are listed on the signature pages.

Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent production for the Court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

Executed this 2nd day of August, 2013 at Palo Alto, California.

DENTONS US LLP

By: /s/ Rachel Repka  
Rachel Repka

*Attorneys for Defendant  
Build.com*

## ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that deadlines, set forth in the parties Joint Case Management Statement (Dkt. No. 32) and the Court's Pretrial Preparation Order (Dkt. No. 36) be stayed until the parties memorialize their settlement agreement. If the parties do not memorialize their settlement agreement by August 31, 2013, the parties shall jointly submit a proposed schedule to the Court to address any deadlines affected by this stay.

## IT IS SO ORDERED.

August 5, 2013

*Maxine M. Chesney*  
Honorable Maxine M. Chesney  
United States District Court Judge

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